

Notice of Allowability

Application No.

09/775,278

Examiner

Rachel L. Porter

Applicant(s)

STURGIS ET AL

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/5/2007.
2. ☒ The allowed claim(s) is/are 60-65,67-76,94-106,124-145,147 and 148.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20070402.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles Garvey (Reg. No. 27,889) and Brett North (Reg. No. 42,040) on March 29, 2007 and with Brett North on March 30, 2007.

The application has been amended as follows:

Please cancel claims 146, 149-166.

Please amend claims 60, 64, 73, 76, 94-100, 104-106, 124-129, 134-139 as follows:

In claims 94, 95, 96, 97, 98, 99, and 100, replace the phrase "step e" with "step f"

In claims 124, 125, 126, 127, 128, and 129, replace the phrase "step e" with "step f"

60. (currently amended) A method of enabling an underwriter to improve the loss ratio on an existing book of insurance, the book comprising insurance policies for a set of insured entities, the method comprising the steps of:

- a) obtaining from the underwriter a set of predefined underwriting criteria;
- b) obtaining a set of policy information for the existing insured entities upon which binding of each policy was based;

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- c) using a computer having a user interface display for inputting data from responses to a set of survey questions, the display including a plurality of spaces for survey data input;
- d) surveying at least some of the set of existing insured entities, the survey eliciting responses to the set of survey questions in step "c";
- e) on an individual basis, for at least some of the set of existing insured entities surveyed, inputting data from the responses received in step "c" into the computer at the spaces provided for in the display in step "c";
- f) validating the policy information obtained in step "b" by using a computer to compare the data inputted during step "e" on an individual basis with at least a portion of the policy information obtained in step "a"; and for at least some of the set of existing insured entities surveyed, having the computer flag any disparity for each insured entity that does not meet the set of predefined underwriting criteria;
- g) reporting to the underwriter survey information on at least some of the existing insured entities who were flagged in step "f".

64. (currently amended) The method of claim 60, wherein step "d" is performed using a telephone.

73. (currently amended) The method of claim 60, wherein an existing insured entity is flagged in step "e" when a survey of the insured entity cannot be completed in a set number of attempts.

76. (currently amended) The method of claim 74, wherein in step "c" the computer includes a computer data base comprising questions for numerically scoring insured entities in accordance with a set of predefined ranking criteria based on underwriting criteria; in step "f" having the computer calculate a numerical ranking score based on the set of predefined ranking criteria in step "c" and the data inputted during step "e"; and in step "g" reporting survey information on insureds Whose ranking scores calculated in step "f" satisfies a first range.

103. (currently amended) The method of claim 76, further comprising the step of providing information on loss prevention and loss management during the survey to the existing insured entity being surveyed.

104. (currently amended) The method of claim 60, wherein in step "d" a telephone is used in the survey and in step "f" comparing the responses inputted in step "e" with answers contained in information supplied by a third party and identifying inconsistent answers; and in step "g" reporting existing insured entities having inconsistent answers to an underwriter which can determine whether or not an insurance premium of the insured should be adjusted.

105. (currently amended) The method of claim 60, wherein the set of insured entities having been bound within a first defined period of time; wherein in step "c" the computer includes a computer data base comprising questions for identifying insured entities that satisfy a set of predefined ranking criteria based on underwriting criteria.

106. (currently amended) The method of claim 75, wherein in step "c" the computer includes a computer data base comprising questions for numerically scoring insured entities in accordance with a set of predefined ranking criteria based on underwriting criteria; in step "f" having the computer calculate a numerical ranking score based on the set of predefined ranking criteria in step "c" and the data inputted during step "e"; and in step "g" reporting survey information on insureds whose ranking scores calculated in step "f" satisfies a first range.

134. (currently amended) A method of enabling an underwriter to improve the loss ratio on an existing book of insurance, the book comprising existing insurance policies for a set of insured entities, the method comprising the steps of:

- a) obtaining a set of policy information for the insured entities upon which binding of each policy was based;
- b) obtaining from the underwriter a set of predefined underwriting criteria;
- c) using a computer having a user interface display for inputting data from responses to a set of survey questions, the display including a plurality of spaces for survey data input;
- d) surveying at least some of the set of insured entities, the survey eliciting responses to the set of survey questions in step "c";
- e) on an individual basis, for at least some of the set of entities surveyed, inputting data from the responses received in step "d" into the computer at the spaces provided for in the display in step "c";

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f) validating the policy information obtained in step "a" by using a computer to compare the data inputted during step "e" on an individual basis with at least a portion of the policy information obtained in step "a"; and for at least some of the set of insured entities surveyed, having the computer flag each insured entity that does not meet a set of predefined underwriting criteria;

g) reporting to the underwriter survey information on at least some portion of the existing insured entities who were flagged in step "f";

reviewing by the insurance underwriter, the report of step "g" enabling the insurance underwriter to take one or more taking steps to improve the loss ratio of the book of insurance after receiving the survey that is reported; and

h) wherein the book of insurance includes multiple policies selected from the group consisting of: worker's compensation, general liability, products liability, property, professional liability, and automobile.

135. (currently amended) The method of claim 134 wherein in step "g" the insurance underwriter improves the book of insurance by terminating some of the insurance policies of the book of insurance policies.

136. (currently amended) The method of claim 134 wherein in step "g" the insurance underwriter improves the book of insurance by amending the terms of one or more of the insurance policies of the book of insurance policies.

137. (currently amended) The method of claim 134 wherein in step "g" the insurance underwriter improves the book of insurance by not renewing some of the insurance

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policies of the book of insurance policies.

138. (currently amended) The method of claim 134 wherein in step "g" the insurance underwriter improves the book of insurance by not insuring, as part of the book of insurance, an entity that engages in a certain business activity.

139. (currently amended) The method of claim 134 wherein in step "g" the insurance underwriter improves the book of insurance by not insuring, as part of the book of insurance, an entity that has not been in business for a specified minimum time period.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because lack of contrast and gray shading in Figures 1-9 and Figure 11 makes the text illegible. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Allowable Subject Matter

3. Claims 60-65, 67-76, 94-106, 124-145, 147 and 148 are allowed.
4. The following is an examiner's statement of reasons for allowance:

As per claims 60-65,67-76,94-106,124-145,147 and 148 the closest prior art of record, Kern (US 6,604,080) discloses warning the user when an applicant for insurance meet or fail to meet specific criteria.

However, Kern fails to teach surveying groups of existing insured entities in a book of insurance and validating the set of policy information upon which binding of the insured entity's policy was based by comparing survey data and the obtained set of policy information. (Claim 1, step f; Claim 134, step f) Kern further fails to disclose having a computer flag the disparities in the existing insured entities which fail to meet the underwriter's predefined underwriting criteria.

McMillan (USPN 5,797,134) discloses a method of monitoring an insured's driving habits to validate insurance information, but relies upon sensors and physical data as the form of "survey." Therefore, there is no motivation to combine the two teachings.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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- Pettersen (WO 90/02388 A1) discloses a method of monitoring driving habits and the driving pattern of a motor vehicle.
- Shpilberg, David ("A Promising New Frontier") discusses the future of automation in insurance underwriting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is (571) 272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER

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